

EXHIBIT 5



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Transcript of Christina Jessee

Date: September 13, 2017

Case: United States of America, et al. -v- HCR ManorCare, Inc., et al.

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4 (13 to 16)

13	<p>1 Q. And where were these documents until</p> <p>2 you gave them to the government yesterday?</p> <p>3 A. They were in my possession.</p> <p>4 Q. And did anybody ever ask you for them</p> <p>5 prior to yesterday?</p> <p>6 A. No, sir.</p> <p>7 Q. Did -- did Becky Clearwater ever ask</p> <p>8 you if you had any notes from your review?</p> <p>9 A. She did not ask me. I probably</p> <p>10 provided her -- they all were aware that I kept</p> <p>11 notes.</p> <p>12 Q. Okay. And when you say they all, do</p> <p>13 you mean the entire review team?</p> <p>14 A. Yes.</p> <p>15 Q. And was -- were the other reviewers</p> <p>16 on the review team also maintaining similar</p> <p>17 documentation?</p> <p>18 A. I can't tell you what they did. I'm</p> <p>19 not aware of what they did.</p> <p>20 Q. How were the other reviewers aware</p> <p>21 that you were keeping notes?</p> <p>22 A. Because I told them, I told them I</p>	15	<p>1 A. And my birthday was last week and she</p> <p>2 called and wished me happy birthday.</p> <p>3 Q. Well, happy birthday.</p> <p>4 A. Thank you. Yeah, but other than just</p> <p>5 regular -- I haven't talked to her much, but, yes,</p> <p>6 I've talked to her.</p> <p>7 Q. Any conversation about the deposition</p> <p>8 at all?</p> <p>9 A. No.</p> <p>10 Q. Now, so what you're saying is you</p> <p>11 have these documents, nobody asked you for them</p> <p>12 until yesterday, you're not sure whether the other</p> <p>13 reviewers have similar documents?</p> <p>14 A. I don't believe they do, but, again,</p> <p>15 I can't speak for other people, so I don't know</p> <p>16 for a fact.</p> <p>17 Q. When you were working with the other</p> <p>18 reviewers, were you all remote or were you ever</p> <p>19 all in the same place, same physical place?</p> <p>20 A. I work out of a remote office. Becky</p> <p>21 works out of a remote office. Marna works in the</p> <p>22 office in Nashville, and Donna and Suzanne I</p>
14	<p>1 keep notes. And then when, you know, we went back</p> <p>2 for supplemental documentation, I was able to go</p> <p>3 back to my notes, and I know some of them</p> <p>4 commented I wish I had had notes. So that's</p> <p>5 how -- that's one of the ways they knew.</p> <p>6 Q. Okay. So you're certain in your</p> <p>7 mind, though, that Becky Clearwater knew that you</p> <p>8 had this work product, these rough notes from your</p> <p>9 first cut through the documents while you were</p> <p>10 waiting for supplementals, and then you used them</p> <p>11 again when you got the supplemental documents?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Were you aware that Becky</p> <p>14 Clearwater was deposed in this case?</p> <p>15 A. Yes.</p> <p>16 Q. Have you spoken to her since her</p> <p>17 deposition?</p> <p>18 A. No.</p> <p>19 Q. Okay. Not at all?</p> <p>20 A. Well, yes, but not related to --</p> <p>21 she's my boss, I have to speak to her.</p> <p>22 Q. Okay.</p>	16	<p>1 believe are both remote.</p> <p>2 Q. Okay.</p> <p>3 A. So, no, I have not worked -- I've not</p> <p>4 been in the same vicinity of any of them this</p> <p>5 entire time.</p> <p>6 Q. And, Ms. Jessee, when you say remote,</p> <p>7 do you mean home?</p> <p>8 A. Yes.</p> <p>9 Q. So do you have like the equivalent of</p> <p>10 a home office?</p> <p>11 A. Yes.</p> <p>12 Q. And is that where these documents</p> <p>13 were, these two Redwells of documents?</p> <p>14 A. Yes, in a locked filing cabinet.</p> <p>15 Q. All right. And, again, nobody asked</p> <p>16 you for them until yesterday?</p> <p>17 A. No.</p> <p>18 Q. Okay. These documents are not</p> <p>19 numbered because they haven't been formally</p> <p>20 produced in the case, so I'm going to do my best.</p> <p>21 There's just a couple I want to ask you about</p> <p>22 because obviously I haven't been through these two</p>

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5 (17 to 20)

17	<p>1 Redwells because I just got them. I'm going to</p> <p>2 ask you about a couple of them, so we have to mark</p> <p>3 the ones we're going to ask you about.</p> <p>4 A. Okay.</p> <p>5 Q. And then we'll figure out some</p> <p>6 subsequent way to get these produced.</p> <p>7 MS. CENDALI: Can we mark copies of</p> <p>8 the originals?</p> <p>9 MR. DUBELIER: I don't care. Do you</p> <p>10 have a paper copy set?</p> <p>11 MS. CENDALI: No, I don't.</p> <p>12 MR. DUBELIER: Well, then we can't.</p> <p>13 MS. CENDALI: Okay.</p> <p>14 MR. DUBELIER: Let's start with 1190.</p> <p>15 (Thereupon, Deposition Exhibit No.</p> <p>16 1190, multiple pages, the first titled SNF Review,</p> <p>17 was marked for purposes of identification.)</p> <p>18 BY MR. DUBELIER:</p> <p>19 Q. Thank you. Ms. Jessee, we only have</p> <p>20 one copy of these because we only have the</p> <p>21 originals. So the document we just marked as</p> <p>22 1190, is this a template that you prepared for</p>	19	<p>1 it, I would not have produced that. I wouldn't</p> <p>2 have written anything about that case. Generally,</p> <p>3 QA documents, I didn't do anything like this. I</p> <p>4 think there are some QA things in there with logs</p> <p>5 and whatnot, but other than that, there's nothing</p> <p>6 note-wise for QA, I guess.</p> <p>7 Q. Now, Ms. Jessee, when you were doing</p> <p>8 QA, would you just open a Word document that was</p> <p>9 the document done by another reviewer?</p> <p>10 A. I would open a Word document, but I</p> <p>11 also -- depending on the review and the questions</p> <p>12 that I had as I went through the document, it may</p> <p>13 need -- I may need to go into the document and ask</p> <p>14 questions that way and get on the phone with the</p> <p>15 reviewer and see, you know, where my questions are</p> <p>16 and et cetera.</p> <p>17 Q. Now, with respect to those type of</p> <p>18 questions, how were those questions communicated</p> <p>19 with the original reviewer?</p> <p>20 A. We would converse on the phone. A</p> <p>21 lot of our discussions about QA occurred on the</p> <p>22 phone, but we also did track changes in the QA</p>
18	<p>1 this review?</p> <p>2 A. No. This is a template I use for</p> <p>3 most of my reviews.</p> <p>4 Q. Okay. So nothing was different about</p> <p>5 this template other than the template you</p> <p>6 typically used for your reviews?</p> <p>7 A. Right.</p> <p>8 Q. And do you know whether or not any of</p> <p>9 the reviewers were also using this template?</p> <p>10 A. I do not know their process, so I</p> <p>11 can't tell you that.</p> <p>12 Q. Now, for each one of these paper</p> <p>13 clipped files that are in here, would that be the</p> <p>14 entirety of your notes for that specific patient?</p> <p>15 A. Yes.</p> <p>16 Q. And is this just for the patients</p> <p>17 that you did the original review on or is it for</p> <p>18 patients that you did second-level review?</p> <p>19 A. Are you talking about QA?</p> <p>20 Q. Yes, QA.</p> <p>21 A. No. QA documents, unless I had a</p> <p>22 question that I felt I needed to take notes about</p>	20	<p>1 document. I think some were via e-mail. I know</p> <p>2 as we got further into the case where we had a lot</p> <p>3 of records, we started -- we thought it would be a</p> <p>4 better process to use our drive to, you know,</p> <p>5 indicate what our QA comments are via track</p> <p>6 changes and then have that reviewer go in where --</p> <p>7 you know, we would ask questions to each other, we</p> <p>8 would go back and forth, et cetera, and then the</p> <p>9 reviewer would address those questions, and, you</p> <p>10 know, et cetera, and then fix, you know, what</p> <p>11 changes needed to be made.</p> <p>12 Q. Now, Ms. Jessee, do you know, would</p> <p>13 you always simply maintain one Word document or</p> <p>14 would the reviewer people doing edits actually</p> <p>15 create another Word document and put the changes</p> <p>16 in there? And if that sounds like a dumb question</p> <p>17 to you, I apologize; that's based on my remedial</p> <p>18 understanding of how these things work.</p> <p>19 A. Well, I'm just trying to remember,</p> <p>20 because I've had a lot of different reviews since</p> <p>21 then.</p> <p>22 Q. That's okay.</p>

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6 (21 to 24)

<p style="text-align: right;">21</p> <p>1 A. So I'm just trying to remember 2 exactly what we did. I think we used one document 3 and put our initials behind it when we made 4 changes, and then the final document went into a 5 final folder. 6 Q. And when you say put your initials 7 behind it, how does that work? 8 A. So if, if Becky is the reviewer, 9 then, Becky, you know, has the reviewer's name and 10 puts her initials behind it. If I'm the person 11 who QAs it, I go behind her and put my initials 12 behind it. And then if Marna QAs it as well, she 13 would go behind and put her initials behind it. 14 Q. I'm trying to understand when you say 15 put initials behind, what does that mean as a 16 technical matter, where are -- where do those 17 initials appear? 18 A. I'm sorry. They appear in the title 19 of the document. 20 Q. I see. 21 A. So when we do a save as, you're going 22 to save as the name with the initials. Sorry, I</p>	<p style="text-align: right;">23</p> <p>1 Do you know if you QA'ed any of hers? 2 A. I believe the first -- are you 3 talking about the first 30? 4 Q. Sure. 5 A. Those first 30, I believe we all 6 QA'ed each other's work. So we all -- like, you 7 know, I would look at Becky's, I would look at 8 Marna's, and Marna would look at mine, Becky would 9 look at mine, et cetera. 10 Q. When you're communicating to each 11 other through either red line, comment boxes, or 12 on the telephone, how do inconsistencies get 13 reconciled? For instance, if you have a question, 14 how does that get resolved? 15 A. Well, if I QA'ed Becky's and I had a 16 question for Becky, I would let her know, you 17 know, Becky, I QA'ed John Doe and I have a 18 question, and, you know, can you answer my 19 question. Or I would say the QA is complete, and 20 she would go out and find it and say, oh, she had 21 questions. Because the end product, the final 22 product, goes back to the original reviewer, so</p>
<p style="text-align: right;">22</p> <p>1 assumed -- sorry. 2 Q. No, that's okay. 3 A. Yeah. 4 Q. And so do you know in the AdvanceMed 5 system, would that then change it and save it as a 6 new document or would it simply you've changed the 7 name, you've put a slash and put your initials 8 after it? 9 A. I think it saves it as the original 10 document and just saves over it, but I am not an 11 IT person at all, so I'm not positive. 12 Q. Okay. Fair enough. Now, you said 13 you were using track changes? 14 A. Yes. 15 Q. Did the other reviewers use track 16 changes as well? 17 A. Yeah. 18 Q. And what about comment boxes? 19 A. Yes, we used those. That's how we 20 asked the questions. 21 Q. All right. And were -- did you do 22 any reviews on any of Becky's original reviews?</p>	<p style="text-align: right;">24</p> <p>1 they're going to look at all of the questions and 2 concerns that each of the other reviewers had and 3 then, you know, determine what changes they need 4 to make. 5 Q. And, then, do you know at the end of 6 that process, was there a final final review by 7 Becky Clearwater of all of them? 8 A. Of all 30? 9 Q. No, of all 180. 10 A. Well, it's my understanding that 11 Becky went through all of, all of the files. I 12 mean, I didn't physically see her do it; but it's 13 my understanding that, yeah, every decision was 14 her decision. 15 Q. Okay. And I understand, but let's 16 drill down and see what that means. And that is, 17 were there anywhere you were responsible for doing 18 the final QA and then Becky Clearwater made 19 changes after that? 20 A. I don't know because she didn't -- I 21 mean, I don't think she was allowed to talk to me 22 about anything after the fact because it's her</p>